

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT  
BETWEEN  
WASHINGTON COUNTY  
AND  
THE SHIWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH**

This Memorandum of Understanding and Agreement ("Agreement") is entered into between Washington County, hereinafter referred to as "County", and the Shivwits Band of the Paiute Indian Tribe of Utah ("Shivwits Band"). The purpose of this Agreement is to allow the Shivwits Band and County to make the most efficient use of their resources by enabling them to cooperate with each other on the basis of mutual advantage, and thereby to provide services and facilities in a cooperative manner.

The Shivwits Band desires to construct a senior citizen and youth recreation center on the Shivwits Indian Reservation. This Agreement only applies to the construction of this recreation center. The County presently has in place a program to issue building permits and conduct building inspections. The Shivwits Band desires to enter into this cooperative agreement with the County to utilize the services of the Washington County Building Department in the issuance of a building permit, review and approval of the construction plans and specifications, and inspection of construction in progress, in accordance with applicable building codes and standards used by Washington County, for other similar projects located off the Shivwits Indian Reservation.

NOW THEREFORE, the parties mutually agree as follows:

1. FEES

The Shivwits Band will pay to Washington County any and all fees associated with the building permit, plan review, and inspections at the same rate and under the same condition as any other similar project in Washington County.

2. SHIWITS BAND TO CONFORM TO COUNTY BUILDING ORDINANCES

The County and Shivwits Band agree to keep in place a building code that conforms with the Washington County Building Ordinances, including but not limited to the most recent adopted versions of the International Building Codes, and the National Electrical Code.

3 INDEMNIFICATION PROVISIONS.

The Shivwits Band agrees to indemnify and hold harmless the County against any loss or expense by reason of the liability or potential liability of Shivwits Band for or arising out of any claims for damages.

4. TERMS AND CONDITIONS OF APPROVAL

This Agreement shall remain in full force and effect between the parties until such time as a Certificate of Occupancy is issued to the Shivwits Band by County.

5. SOVEREIGN IMMUNITY

Nothing in this Agreement shall waive the protections of tribal sovereign immunity of the Shivwits Band of the Paiute Indian Tribe of Utah or the Paiute Indian Tribe of Utah. This Agreement is binding upon the signatories hereto, not as individuals, but solely in their official capacities of their respective governments; and acknowledges proper action of the County and Shivwits Band of the Paiute Indian Tribe of Utah to enter into the same.

6. CONDITIONS OF APPROVAL.

This agreement is conditioned and shall take effect upon the adoption of a resolution of approval by the County and a signature of the Washington County Commissioners and the Shivwits Band Chairwoman.

7. COUNTERPARTS:

This agreement may be executed in counterparts.

IN WITNESS WHEREOF, the parties have hereunto set their hands this \_\_\_\_ day of February, 2010.

WASHINGTON COUNTY

\_\_\_\_\_  
James J. Eardley, Chair  
Washington County Commission

Attest:

\_\_\_\_\_  
Kim Hafen  
Washington County Clerk/Auditor

SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE

\_\_\_\_\_  
Charlotte Lomeli, Shivwits Band Chairwoman